**IN THE HIGH COURT OF UTTARAKHAND**
**AT NAINITAL**

**Writ Petition No. 899 (S/S) of 2007**

Bhupesh Verma S/o Sri Jeewan Lal Verma
Assistant Teacher, Primary School Dhyari, Dhauladevi,
Almora ------ Petitioner

Versus

1. State of Uttarakhand through Director of Education, Uttarakhand, Dehradun
2. District Education Officer, District Almora
3. Additional District Education Officer (Basic), District Almora

------ Respondents

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Dinesh Chauhan, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari to quash the order dated 11.06.2007 passed by Additional District Education Officer (Basic), Almora transferring the petitioner, who was working as Assistant Teacher in Primary School Dhyari, Block Dhauladevi to Primary School, Birkola, Block Dhauladevi, District Almora.

The petitioner has challenged this order on the sole ground that petitioner was transferred to the present place of posting in pursuance to the transfer order dated 28th April, 2003, whereas Srii Amar Singh Kafalia was transferred to the present place at Dhyari in pursuance to the transfer order passed on 24th September, 2004.

The petitioner has placed reliance on the order dated 26th May, 2007 passed by Director, School Education, Uttarakhand, Dehradun by which the Director has directed all the District Education Officer to transfer all those teachers who have been transferred in an institution where the teachers were already working against the prescribed strength sanctioned by the Government. The petitioner has further submitted that since Srii Amar Singh Kafalia was transferred to Dhyari much after the petitioner, consequently, in pursuance to the order of Director of Education dated 26th May, 2007, he should have been transferred and not the petitioner.

Learned Standing Counsel has drawn my attention that Srii Amar Singh Kafalia was transferred in Primary School Dhyari as Head Master whereas the petitioner is an Assistant Teacher. Consequently, I do not find any ground to interfere with the transfer order.

Learned counsel for the petitioner has submitted that he has already moved a representation before respondent no. 3 on 13.07.2007, which is still pending before him, he may be directed to take decision on the representation.

The prayer is innocuous.

In the circumstances, respondent no. 3, Additional District Education Officer (Basic), Almora is directed to take decision on the representation of the petitioner dated 13.07.2007 within a period of four weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

**(M.M. Ghildiyal, J.)**

**17.07.2007**
**VKS**